

PLANNING COMMISSION

Candis Woods, Chair
Kerri Warren, Vice Chair
Amy Alves, Commissioner
Huston Carlyle, Commissioner
_____, Commissioner

CITY PLANNER
Karen Mantele

MINUTE CLERK



201 North Lassen Street
Willows, CA 95988
530) 934-7041

PLANNING COMMISSION MEETING AGENDA

Wednesday December 19, 2012
7:00 p.m.

1. Call to Order - 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call
4. Agenda Review: (Requested Changes by Commissioners or Staff?)
5. Public Comment: Persons wishing to speak on a matter *not on the agenda* may be heard at this time; however, no action will be taken unless placed on a future agenda. (*Public Comments are generally restricted to three minutes.*)
6. Approval of Minutes: None
7. New Business/Public Hearing- Persons wishing to speak are asked to approach the microphone to address the Commission. Although not required, it is requested that you please state your name for the record.
 - a) 2001 Use Permit/Permit Review for Long Way Home Saloon
222 W. Walnut Street/APN: 002-162-006/Central Commercial (CC) Zone
 - b) 2005 Use Permit/Permit Review for Poly Riser & Pump
319 E. Walnut Street/APN: 003-101-003 &004/Light Manufacturing (ML) Zone
8. Draft Administration Policy for Home Occupations/for Commission review and approval
9. Obtain Commission suggestions on changes to zoning districts and land use designations
10. Commission Commentary
11. Adjournment:

CERTIFICATION: Pursuant to Government Code § 54954.2 (a), the agenda for this meeting was properly posted on or before December 14, 2012.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org. In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider

Willows Planning Commission Agenda Report: December 19, 2012

Project: Use Permit Review
Business: Long Way Home Saloon
Business Owner: Jill Beath
Project Location: 222. W. Walnut Street, Willows, CA
Parcel No: 002-162-006
General Plan: General Commercial
Zone: Central Commercial (CC)

Background:

On September 6, 2000, the Planning Commission approved a Conditional Use Permit to Mr. & Mrs. Huggins to operate a cocktail lounge at 222 W. Walnut Street.

In December of 2000, the Huggins, made a request that the Use Permit be transferred to Rebecca Jarman and Jillian Johnston. On December 6, 2000 the Commission heard a request from the Huggins to transfer the Use Permit to Ms Jarman and Ms Johnston. A motion was made to transfer the permit; however the motion was denied because of a split vote.

On January 17, 2001 the Commission heard a Use Permit request from Ms Jarman and Ms Johnston to operate a cocktail lounge within an existing commercial building located at 222 W. Walnut Street as they wished to purchase the existing business from the Huggins. The Commission unanimously approved the application with the condition that the Commission shall review the use permit at the end of one year from commencement date of operation, which was February 1, 2001.

On October 2, 2002 the Commission heard a request from Ms Jarman and Ms Johnston for a modification of the use permit to allow the expansion of their cocktail lounge into an adjoining suite. The Commission approved the Use Permit request and placed a term on the use permit which condition stated "The CUP will be limited to five years from the date of occupancy with a Commission review after the first year and further reviews every two years."

On May 5, 2004 the Commission heard an annual review of this Use Permit pertaining to the expansion of the lounge. The minutes of the meeting stated that there were no complaints or problems that have been reported but there was Commission discussion regarding the expansion. The minutes do not detail the discussion.

On March 1, 2006, the Use Permit was brought back to the Commission for an informational review. The staff report stated that the City received no concerns or complaints about the business. This review initially satisfied the condition to re-review the Use Permit at then end of the five year term. There is no indication in the meeting minutes that the Commission extended this Use Permit for an additional time frame, as the Staff report stated that it was informational only and no action was required. There have been no permit reviews thereafter.

Current Status:

Staff was asked by a Commissioner to look into the Use Permit file for the Long Way Home Saloon. The research of the file indicated the above time line and that no review had taken place since 2006.

Staff contacted the State ABC (Alcoholic Beverage Control) agency regarding whether there were any violations regarding their license. A response was received from Kathy Sandberg of the

Sacramento/Redding ABC office stating that the location has been licensed since 2003 without disciplinary action and that currently there is nothing pending.

Notices of the meeting were sent to property owners within 400 feet of the business, and at the time of preparation of this report, there have been no comments received, either written or verbal. The current owner of the business is Jillian Beath, who was sent a letter from the City informing her of the need to have the Use Permit reviewed in front of the Planning Commission, since no review had taken place since 2006.

Since this Use Permit has not been reviewed for over six years by the Commission, it is now within their purview to review the Use Permit for any violations and consideration of the continuation of the permit. Attached for your information is the 2002 approval letter sent to the current holders of the Use Permit which includes conditions of approval that was placed upon them.

STAFF RECOMMENDATION:

Staff recommends that the Commission extend the Use Permit with periodic reviews (to be determined by the Commission).

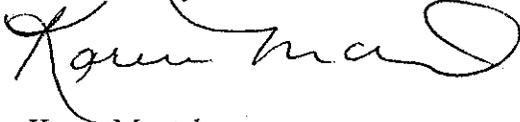
PLANNING COMMISSION OPTIONS:

- 1) Review the current status and recommend continuation of the Use Permit with periodic reviews
- 2) Deny the continuation of the Use Permit with appropriate findings for denial.

Attachments:

1. Letter to business owner/holder of Use Permit dated October 3, 2002
2. APN map

Submitted by:



Karen Mantele
Principal Planner

**THE APPLICANT IS REMINDED THAT THERE IS A 10 (TEN) DAY APPEAL PERIOD
FOLLOWING THE PLANNING COMMISSION DECISION**

City
of Willows

201 North Lassen • Willows, California 95958 • (530) 932-7041 • FAX: (530) 934-7402



October 3, 2002

Mrs. Rebecca Mann
Ms. Jillian Johnston
Post Office Box 344
Artois, California 95913

Dear Mrs. Mann and Ms. Johnston:

The City of Willows Planning Commission at their October 2, 2002, meeting approved your request for a modification to your Conditional Use Permit at 222 West Walnut Street. The modification involves the expansion of your existing cocktail lounge into the suite next door (218 West Walnut - Nicky's). This request was granted with the following conditions:

1. Unit/Structure: Prior to occupancy, the structure will require inspection and approval of the Fire/Building and Health Departments to ensure conformance with health, building, and safety regulations appropriate to the proposed use.
2. That all conditions be completed prior to occupancy of the business.
3. Term of CUP: The CUP will be limited to five years from the date of occupancy with a Commission review after the first year and further reviews every two years.

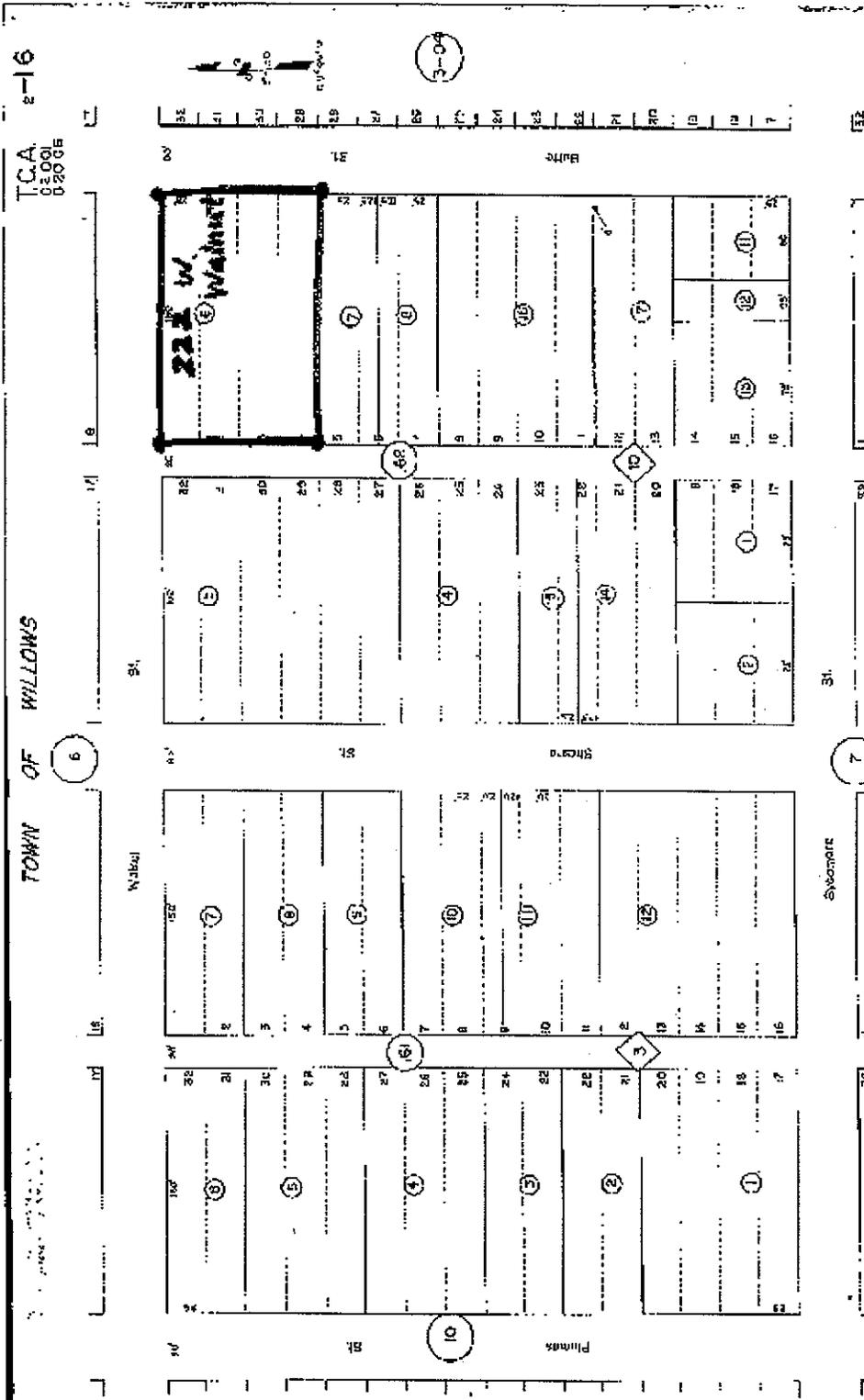
An appeal from the above findings of the Planning Commission may be made, in writing, to the City Council within ten (10) days from the date of the Planning Commission's action.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Carol E. Stevenson
Administrative Secretary

cc: Building Department



Willows Planning Commission Agenda Report: December 19, 2012

Project: Use Permit Review
Business: Poly Riser & Pump
Business Owner: Daryl Alberico
Project Location: 319 E. Walnut Street, Willows, CA
Parcel No: 003-101-003
General Plan: Light Industrial
Zone: Light Manufacturing (ML)

Background:

On January 5, 2005, the Planning Commission heard a Conditional Use Permit request to allow the manufacture, outdoor storage, and sale of riser, pipes, steel and plastic products associated with agricultural irrigation systems. The property is zoned Light Manufacturing which is consistent with the business, but the ML zone does not specifically permit unscreened outdoor storage. Material storage yards are referenced in the Heavy Industrial zone and require a solid wall or fence not less than six feet high. The City Manager had informed the business owner/property owner that a Conditional Use Permit was required for the outdoor storage aspect of this business, therefore that is the reason a Use Permit was applied for.

The Commission discussed the fencing and appropriate screening for the outdoor storage. The applicant indicated he would prefer to have the open chain link fence as it allows for better visibility onto his property as screening would aid in vandalism and theft. Mr. Alberico indicated that some of the smaller sized materials will be kept in storage containers, but a forklift and septic tanks will be kept outside with other piping supplies. The Planning Commission approved the Use Permit with conditions, which one stated that the initial term of this CUP is for a five year period with a review by the Commission after the first year.(see copy of January 6, 2005 letter attached)

On March 1, 2006, the Use Permit was brought back to the Commission for the first year review. The staff report stated that the City had received no concerns or complaints about the business and that the review was routine. This review initially satisfied the condition to review the Use Permit after the first year, and no action was required. There have been no permit reviews thereafter.

Current Status:

Staff was reviewing another Use Permit file and subsequently found out about this Use Permit and the lack of any Commission reviews beyond 2006. Since this Use Permit has not been reviewed for over six years by the Commission, it is now within their purview to review the Use Permit for any violations and consideration of the continuation of the permit. The issue before the Commission is whether to extend the Use Permit at this time, as with the original condition of approval the Use Permit was valid for five years (*which would have ended in 2010*). There have been no complaints received regarding the out door storage aspect of the business.

STAFF RECOMMENDATION:

Staff recommends that the Commission extend the Use Permit indefinitely with periodic reviews if the Commission determines that is warranted.

PLANNING COMMISSION OPTIONS:

- 1) Review the current status and recommend continuation of the Use Permit with periodic reviews
- 2) Deny the continuation of the Use Permit with appropriate findings for denial.

Attachments:

1. Letter to business owner/holder of Use Permit dated January 6, 2005
2. APN map

Submitted by:

A handwritten signature in black ink, appearing to read "Karen Mantele". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen Mantele
Principal Planner

**THE APPLICANT IS REMINDED THAT THERE IS A 10 (TEN) DAY APPEAL PERIOD
FOLLOWING THE PLANNING COMMISSION DECISION**

City of Willows

201 North Lassen • Willows, California 95988 • (530) 934-7041 • FAX: (530) 934-7402

January 5, 2005



Mr. Gary Alberico
6357 County Road 48
Willows, California 95988

Dear Mr. Alberico:

The Willows Planning Commission at their January 5, 2005, meeting approved your request for a Conditional Use Permit at 319 East Walnut Street to allow the manufacture, outdoor storage, and sale of risers, pipes, steel and plastic products associated with agricultural irrigation systems. This approval was based upon the application documents and site plan submittal dated December 15, 2004, and the following conditions:

1. The existing chain link fencing is adequate screening for the existing outdoor storage.
2. As there has been no submittal at this time with respect to signage, it is the Commission's policy to require review and approval by the City Manager and/or Commission prior to installation of signs.
3. The initial term of this CUP is for a five-year period with a review by the Commission after the first year.
4. The CUP is transferable to subsequent owners/investors.

An appeal from the above findings of the Planning Commission may be made, in writing, to the City Council within ten (10) days from the date of this letter. A City business license cannot be issued until after the end of the appeal period.

If you have any questions or require further assistance, please feel free to contact me.

Sincerely,

Carol E. Stevenson
Administrative Secretary

cc: Building Dept.

TO: Madam Chair and Members of the Planning Commission
FROM: Karen Mantele, Principal Planner
SUBJECT: Review and Consideration of an Administrative Policy regarding Home Occupations

RECOMMENDATION

Staff is seeking direction from the Planning Commission in establishing a policy for Home Occupations that do not require a Use Permit.

BACKGROUND

Over the past year or so, Staff has received several requests for establishing Home Occupations for which the code does not provide clarification on. The Municipal Code Section 18.110.070 states that *a home occupation shall be permitted in any residence upon first securing a use permit*. A home occupation is defined in the code as an accessory use of a nonresidential nature which is performed within a legal structure on the lot, by an occupant of the dwelling unit, and which is clearly incidental and secondary to the residential use of the property.

Staff has discussed a couple of these requests with the Commission and suggested that an Administrative Policy be developed to clarify which types of home occupations would not be required to obtain a use permit.

Attached for the Commission's review is a draft Administrative Policy. Staff is requesting the Commission review the draft policy and provide comments for implementation. Attached is a draft resolution which would provide the backup authority.

Respectfully submitted,



Karen Mantele
Principal Planner

Attachments:

1. Draft Resolution
2. Draft Administrative Policy

CITY OF WILLOWS
PLANNING COMMISSION
RESOLUTION NO. ___-2012

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WILLOWS ESTABLISHING AN ADMINISTRATIVE POLICY FOR THE HOME
OCCUPATION PROJECTS WHICH DO NOT REQUIRE A USE PERMIT

WHEREAS, the Willows Municipal Code Section 18.110.070 requires Home Occupations to obtain a Use Permit before commencing the use within the residence; and

WHEREAS, the Code Section is silent on the types of Home Occupations that shall be required to obtain a Use Permit for their business, and

WHEREAS, the City desires to assist those individuals who wish to establish a Home Occupation which are minor uses and which do not require clients to come to their homes through the adoption of an Administrative Policy which clarifies the types of Home Occupations that do not require a use permit; and

WHEREAS, the City has an Administrative Procedure and Policy Manual in which to enact a policy for Home Occupations.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Willows hereby adopts the Administrative Policy for those Home Occupations which do not require a Use Permit set-forth in the Policy, attached hereto as Exhibit 'A'

BE IT FURTHER RESOLVED that the City of Willows Home Occupations Administrative Procedure; attached hereto as Exhibit 'A' shall be effective immediately.

It is hereby certified that the foregoing Resolution No. ___ - 2012 was duly introduced and legally adopted by the Planning Commission of the City of Willows at its regular meeting held on this 19th day of December 2012 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Attested:

Recording Secretary

Candis Woods, Planning Commission Chair

Draft Administrative Policy for Home Occupations**Exhibit A**

CITY OF WILLOWS

ADMINISTRATIVE PROCEDURE AND POLICY MANUAL

Subject: Home Occupations Projects that do not require a Conditional Use Permit	Number: 6-4
	Effective Date: 12/12/2012
Department Affected: Planning	Supercedes:
	Authority: Resolution No. _____ Planning Commission
File Reference	Approved:
	_____ Planning Commission/City Manager

1. PURPOSE:

To establish a policy with respect to what types of Home Occupations do not require a Conditional Use Permit per WMC section 18.110.070

2. POLICY:

The following types of uses are exempt from a Home Occupation Use Permit when the occupation is conducted within the main dwelling and does not generate vehicular or pedestrian traffic greater than normally associated with single-family residential use:

- a. Occupation involving only the use of common household equipment, including but not limited to the computer/internet, telephone, and mail
- b. The occupation is conducted elsewhere, but some or all of the equipment and materials are kept in one vehicle garaged on the premises (ie: housecleaning services, landscaping, contractors, jewelry/makeup/Tupperware sales, etc.)
- c. The occupation utilizes the home as an adjunct to a principal office located elsewhere, and no customers, clients, students, patients, or persons in similar relationships to the office's affairs visit the home as a regular business practice
- d. An occupation involving tutoring of only a few students at one time